

REMARKS

Claims 1, 7, 8, 10, 11, 17, 18, 20, 21, 27, 28, 30, 31, 37, 38 and 40 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2002/0018241 (Brewster) in view of an article entitled "Web Hosting Services" by Lynchberg. Claims 2, 4, 12, 14, 22, 24, 32 and 34 were rejected under § 103(a) over Brewster in view of Lynchberg and further in view of U.S. Patent No. 5,761,497 (Holt). Claims 3, 13, 23 and 33 were rejected under § 103(a) over Brewster in view of Lynchberg and further in view of U.S. Patent No. 6,032,150 (Nguyen). Claims 5, 15, 25 and 35 were rejected under § 103(a) over Brewster in view of Lynchberg and Holt and further in view of U.S. Patent No. 6,108,703 (Leighton), and Claims 9, 19, 29 and 39 were rejected under § 103(a) over Brewster in view of Lynchberg and further in view of U.S. Patent No. 6,256,633 (Dharap). The rejections are respectfully traversed.

Applicant notes that Brewster's filing date of July 26, 2001 is subsequent to the filing date of the subject application (November 29, 2000). However, Brewster claims domestic priority under 35 U.S.C. § 120 as being a continuation-in-part of Application No. 09/235,040 (filed on June 7, 1999) and the Office Action appears to be relying on the domestic priority date in entering the rejections. However, by definition, a continuation-in-part application contains new matter which is not accorded the benefit of the earlier filing date. Accordingly, any new matter contained in the Brewster '241 publication is not prior art to the subject application.

In this regard, Applicant has obtained a copy of the Brewster '040 application from the Patent Office's Public PAIR system in order to determine whether the material on which the rejections are based could be accorded the earlier filing date of June 7, 1999. Based on Applicant's review of the '040 application and the '241 publication, it is

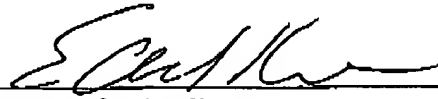
submitted that only paragraphs [0003] to [0008], a portion of paragraph [0009], and paragraphs [0017] to [0019], could be accorded the earlier filing date of June 7, 1999, while the remainder of the '241 publication is new matter that can only be accorded the later filing date of July 26, 2001. The Office Action relied upon the disclosure of paragraphs [0020] to [0036] in rejecting the claims; each of which can only be accorded the later filing date of July 26, 2001. Accordingly, it is believed that the subject matter relied upon for the rejections is not prior art to the subject application since it is new matter to the '241 publication with an effective prior art date later than that of the present invention. Accordingly, the rejections are traversed on this basis and the Examiner is requested to reconsider and withdraw the rejections.

As for the alleged disclosure of Lynchburg, Holt, Nguyen, Leighton, and Dharap, Applicants do not concede anything with regard to the disclosure of those documents, and do not believe it is necessary to address any differences between those documents and the claimed invention at this time since removal of the relied upon portion of Brewster as a reference against the subject application obviates the rejections.

In view of the foregoing remarks, all of Claims 1 to 5, 7 to 15, 17 to 25, 27 to 35 and 37 to 40 are believed to be allowable. Accordingly, the Examiner is requested to withdraw the finality of the Office Action due to the deficiencies of the applied art and to issue a new (non-final) action on the merits or a notice of allowance.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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